

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997

A Bill

HOUSE BILL 2202

4
5 By: Representative Bryant

For An Act To Be Entitled

9 "AN ACT PROHIBITING CERTAIN ACTS RELATING TO CERTAIN
10 PERFORMANCES BY PERSONS LESS THAN TWENTY-ONE YEARS OF AGE
11 AND EMPLOYERS OF SUCH PERSONS; AND FOR OTHER PURPOSES."

Subtitle

14 "AN ACT PROHIBITING CERTAIN ACTS
15 RELATING TO CERTAIN PERFORMANCES BY
16 PERSONS LESS THAN TWENTY-ONE YEARS OF
17 AGE."

18
19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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21 SECTION 1. (a) It is unlawful for any person less than twenty-one (21)
22 years of age to perform any dance, striptease or other act harmful to youth
23 involving nudity or sexual conduct, as defined in this section, in public or
24 for-hire.

25 (b) It is unlawful for any person to employ or allow a person less than
26 twenty-one (21) years of age to perform the acts specified in subsection (a)
27 of this section.

28 (C) For purposes of this section:

29 (1) "Harmful to youth" means any dancing, stripteasing or other
30 act describing, exhibiting, presenting or representing, in whatever form,
31 nudity or sexual conduct when such performance, taken as a whole, has the
32 following characteristics:

33 (A) the average person twenty-one (21) years of age or
34 older applying contemporary community standards would find that the
35 performance has a predominant tendency to appeal to a prurient interest in
36 sex; and

1 (B) the average person twenty-one (21) years of age or
 2 older applying contemporary community standards would find that the
 3 performance depicts or describes nudity or sexual conduct in a manner that is
 4 patently offensive to prevailing standards in the community of such persons;
 5 and

6 (C) the performance lacks serious literary, scientific,
 7 medical, artistic, or political value.

8 (2) "Nudity means the:

9 (A) showing of the human male or female genitals, public
 10 area, or buttocks with less than a full opaque covering;

11 (B) showing of the female breast with less than a full
 12 opaque covering of any portion of the female breast below the top of the
 13 nipple; or

14 (C) depiction of covered male genitals in a discernibly
 15 turgid state; and

16 (3) "Sexual conduct" means acts of masturbation, homosexuality,
 17 sexual intercourse, or physical contact with a persons clothed or unclothed
 18 genitals, public area, buttocks, or, if such person be a female, breast.

19 (d) Any person convicted of violating subsection (a) or (b) of this
 20 section shall be guilty of:

21 (1) A misdemeanor, upon a first offense, punishable by the
 22 imposition of a fine not to exceed one hundred dollars (\$100), or by
 23 imprisonment in the county jail not to exceed thirty (30) days, or by both
 24 such fine and imprisonment; or

25 (2) A misdemeanor, upon a second offense, punishable by the
 26 imposition of a fine not to exceed five hundred dollars (\$500), or by
 27 imprisonment in the county jail not to exceed six (6) months, or by both such
 28 fine and imprisonment; or

29 (3) A felony, upon a third or subsequent offense, punishable by
 30 the imposition of a fine not to exceed one thousand dollars (\$1,000), or by
 31 imprisonment in the state penitentiary not to exceed five (5) years, or by
 32 both such fine and imprisonment.

33 (e) A violation of the provisions of this section shall not be a basis
 34 for instituting juvenile proceedings to determine if a person under eighteen
 35 (18) years of age is a delinquent child; however, if a person under eighteen
 36 (18) years of age habitually violates the provisions of this section, juvenile

1 proceedings may be brought to determine if the person is a delinquent child.
2 A person under eighteen (18) years of age who has been convicted of violating
3 the provisions of this section shall be subject to the penalty provisions
4 provided in this section.

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6 SECTION 2. All provisions of this act of a general and permanent nature
7 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
8 Revision Commission shall incorporate the same in the Code.

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10 SECTION 3. If any provision of this act or the application thereof to
11 any person or circumstance is held invalid, such invalidity shall not affect
12 other provisions or applications of the act which can be given effect without
13 the invalid provision or application, and to this end the provisions of this
14 act are declared to be severable.

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16 SECTION 4. All laws and parts of laws in conflict with this act are
17 hereby repealed.

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